

## **MINUTES**

### **PLANNING BOARD**

#### **TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

Regular Meeting

November 6, 2013

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

#### **Roll Call:**

Members present were Mr. Einbinder, Mr. Johnson, Mr. Bruno, Mr. Hall and Ms. Perna. Mr. Niceforo, Mr. Franchino, Mr. Graziano, Mr. Russo, Mr. Cuocci and Mr. Monaco were absent. Mr. Cresitello, Board Attorney, and Mr. Solfaro, Board Engineer, were also present

#### **Adoption of Resolutions:**

##### **App. #SP-4-12: CVS Pharmacy (First Hartford Realty Corp.), Springfield Ave. & Lone Pine Drive, Block 701, Portion of Lots 2 & 3 (DD Zone)**

First Hartford Realty Corporation proposes to construct a new CVS pharmacy with two drive-through lanes. The property currently contains a Pizza Hut which is not in service and is proposed to be demolished as part of the pharmacy development.

Mr. Cresitello advised that the resolution has been reviewed and some minor revisions made. Discussion took place with regard to proposed changes in the resolution relating to the use of limestone for the exterior of the building rather than stucco and the location of the sidewalk on Lone Pine Drive. It was suggested that the applicant be asked to consider changing to a brick exterior and Mr. Cresitello advised that the applicant could submit a revised plan that could be handled administratively.

A motion was made by Mr. Einbinder, seconded by Mr. Bruno, to adopt the above Resolution subject to modifications as discussed to be made by Mr. Cresitello. The voice vote was unanimous with Mr. Einbinder, Mr. Bruno and Mr. Hall voting in favor.

Richard Ossi, 395 Springfield Avenue, stated that he is the owner of the property across the street from Pizza Hut. He asked about the location of the traffic light and whether it will block the entrance to his property.

Mr. Cresitello advised that the light will be located at the intersection of Springfield Avenue and Lone Pine Drive and it will be up to the County to decide which driveways will remain and which will be closed. Mr. Solfaro stated that the traffic signal will be submitted by the Township to the County for review.

In response to a question regarding construction of the building, Mr. Murray advised that the applicant cannot start construction until after the 45-day time period for appeal has passed and he does anticipate an appeal will be filed by Stop & Shop.

**App. #M-3-13: Menza & Beissel Homes, Inc., 528 Old Brook Lane (Lackawanna Blvd.),  
Block 3802, Lot 5 (R-20 Zone)**

Requesting minor subdivision approval. The site to be subdivided currently contains a two-story frame dwelling with a detached garage and shed serviced by a gravel driveway from Old Brook Lane. It is proposed to subdivide the property into two lots with one lot containing the existing dwelling and out-buildings. The existing gravel driveway is proposed to be extended to Lackawanna Boulevard and to have the existing driveway to Old Brook Lane removed. The other proposed lot will contain a new 2-story dwelling and asphalt driveway.

*(Conflict Attorney for this application: Thomas J. Molica, Jr., Esq., Vogel, Chait, Collins and Schneider, Morristown, New Jersey)*

A motion was made by Mr. Einbinder, seconded by Mr. Hall, to adopt the above Resolution. The voice vote was unanimous with Mr. Einbinder, Mr. Johnson, Mr. Bruno, and Mr. Hall voting in favor.

**Adoption of Minutes:**

Regular Meeting September 18, 2013

A motion was made by Mr. Einbinder, seconded by Mr. Bruno, to adopt the Minutes of the Regular Meeting of September 18, 2013 as presented. The voice vote was unanimous.

**Discussion:**

Ordinance introduced by the Township Council at their Public Meeting on September 24, 2013. The proposed ordinance would establish and amend the regulations governing the requirements for developer's agreements in connection with Land Use approvals. The ordinance is scheduled for Public Hearing and Final Adoption on November 18, 2013.

Mr. Cresitello advised that the purpose of this ordinance is to clarify the requirements for developer's agreements. The ordinance currently requires them with all approvals but the practical experience has been not to require them. The proposed ordinance would require a developer's agreement whenever there are public improvements to be made or at the discretion of the Board.

A motion was made by Mr. Einbinder, seconded by Mr. Bruno to endorse the proposed ordinance and recommend it to the governing body for adoption. The voice vote was unanimous.

Mr. Einbinder announced that the Board will be meeting on December 4, 2013 to discuss the study to be undertaken by Mike Mistretta of the municipal property to determine whether or not it is an area in need of rehabilitation.

Mr. Cresitello advised that the Board previously adopted a resolution with respect to this issue. The law with respect to redevelopment has been amended and at its next meeting the governing body will be adopting a new resolution referring this matter again to the Planning Board for consideration. The Planning Board will meet in December to consider the request of the governing body to again direct Mr. Mistretta to prepare and finalize the report. A public hearing will be scheduled in January for presentation of Mr. Mistretta's report.

**Adjournment:**

A motion was made by Mr. Einbinder, seconded by Mr. Hall, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 8:05 p.m.

Regina Giardina, Secretary Pro-Tem